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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,898	04/04/2001	Fabio Longoni	975.330USW1	4366
32294	7590	06/01/2005		EXAMINER
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/825,898	LONGONI, FABIO	

  

<b>Examiner</b>	<b>Art Unit</b>	
Steven HD Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 13-15, 19 and 21-24 is/are rejected.  
 7) Claim(s) 16-18 and 20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-14, 19 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Enerothe (USP 6631116).

Regarding claims 13 and 23, Enerothe discloses a frame control apparatus for controlling a transport frame used for transmitting a data unit (TB) via a dedicated channel (AAL2 layer) between network elements (2, 3 and 10) (Fig 30, 101 read on element 3; Ref 105 read on element 2 and Ref 102 or 106 reads on element 10) of a communication system having different types of connections (GSM, PDC, D-AMPS, IS-95 Voice or Data, see col. 4, lines 1-6 and 45-53), comprising (a) means (12) for encapsulating said data unit (TB) into said transport frame (Fig 15, 17-39 and 36 Ref 60 for encapsulating data unit into a payload AAL 2 cell “read on transport frame”); (b) means (13) for selecting a frame type coding of said transport frame in accordance with a connection type of said dedicated channel (Fig 15, 17-39 and 36 Ref 19, 20, 30, 50 and 50 for selecting cell size based on the connection type such IS-95 voice or data, GSM, PDC or D-AMPS etc, col. 3, line 54 to col. 4, line 6, col. 7, lines 7-41, col. 9, lines 5-17 and col. 11, lines 1-30), and (c) means for maintaining information on the frame types to be used for data units on a

dedicated channel (Fig 21, Ref 5, 7, 10 and 21 which are maintained the cell size for the data unit).

Regarding claim 14, Enerothe discloses said frame type coding defines specific control information fields of the transport frame and its bit number (Fig 9 and 10, LEQ and LEN).

Regarding claim 19, Enerothe discloses said frame type coding is selected in a set-up phase of said dedicated channel based on corresponding set-up parameters of said dedicated channel (Col. 9, lines 5-17).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enerothe as applied to claim 1 above, and further in view of Van Grinven (USP 6414967).

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Enerothe fails to disclose said specific control information fields include a transport format indicator field having a bit number of which is determined on the basis of the number of different transport format indicators allowed for said dedicated channel. In the same field of endeavor, Van Grinsven discloses a method and system for transporting the information between two devices wherein the size of transport frame is depended on the type of connection wherein each transport frame includes a format field having a bit number which indicates the type of transport frame (See Fig 3-5 which includes a format ID field).

Since, Enerothe suggests the use of payload type field for determining the type of information which is carrying by the payload. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a format field as disclosed by Van Grinsven's system and method into Enerothe's method and system. The motivation would have been to reduce the transport time between the source and destination device.

6. Claims 21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enerothe as applied to claims 1 and 23 above, and further in view of Widegren (USP 6374112).

Regarding claims 21-22 and 24, Enerothe fails to disclose WCMA user plane and RNC. However, in the same field of endeavor, Widegren discloses WCDMA user plane for AAL 2 layer and RNC (Fig 3).

Since, Enerothe suggests the system can carry the IS-95 signal and mini cells "AAL 2". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a WCDMA transceiver with AAL 2 layer connection as disclosed by Widegren's system and method into Enerothe's system and method. The motivation would have been to improve the throughput between the devices.

***Allowable Subject Matter***

7. Claims 16-18 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 3/29/05 have been fully considered but they are not persuasive.

In response to pages 8-11, the applicant states that Enerothe fails to disclose a method and system for controlling the frame that is transmitting via a dedicated channel by encapsulating the data into the transport frame; selecting a frame type coding of the transport frame in accordance with connection type of the dedicated channel and maintaining information on the frame types to be used for data units on a dedicated channel. In reply, Enerothe discloses a method and system for encapsulating the data unit into a transport frame (the payload of the mini cell "AAL 2"), selecting a frame type coding of the transport frame in accordance with connection type of the dedicated channel "mini cell which is AAL 2 cell transported on the dedicated channel" (See col. 3, lines 54 to col. 4, lines 13, the frame type coding of transport frame via the dedicated channel is selected according to the connection type such as GSM, PDC, D-AMPS, IS-95 Voice or Data as set forth in Para 2 of the final office action). So, Enerothe clearly discloses a method and system for selecting a frame type coding of transport frame based on the connection type wherein transport frame is used for encapsulating a data unit and this information is maintained.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
5/30/05